

Amendment  
10/600,694

5000-1-400

### REMARKS

Reconsideration of the above identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 4, 7, and 10-11 are pending and stand rejected. Claims 1, 4 and 7 have been cancelled. Claim 10 has been amended. Claims 15-17 have been added.

Claim 4 and 10-11 stand rejected under 35 U.S.C. §112, second paragraph as failing to distinctly claim the subject matter of the invention. .

Applicant respectfully disagrees with and explicitly traverses the reason for the rejection of the claims. Applicant believes that the Examiner has misread the use of the terms "first" and "second" multiplexers in the claims. Claim 4 refers to the "first" and "second" multiplexers in the central office and claim 10 refers to the "first" and "second" multiplexers in the local office. Hence, the use of the terms "first" and "second" multiplexers in these independent claims is appropriate.

However, notwithstanding the argument above, claim 4 has been cancelled and, thus, the terms "first" and "second" multiplexers refers only to those multiplexers in the local office.

Applicants respectfully request withdrawal of the rejection of the base claims as they now enable one skilled in the art to which it pertains to make or use the invention.

With regard to claim 10, this claim recites a local office that receives and demultiplexes a multiplex signal. Within the multiplex signal is the optical signal(s) used to amplify the other signals received in the multiplexed signal. This feature is not disclosed in any of the prior art cited by the Examiner and would not be generally known, as the

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pump signal is typically generated locally at the site of amplification. Applicant notes that in the prior Office Action, the Examiner found claims 10 and 11 allowable, and has rejected these claims not based on any prior art, but a confusion with regard to the terms "first" and "second" multiplexer, as explained above.

Hence, in view of the above remarks made with regard to the rejection of claims 10 and 11 under 35 USC §112, second paragraph, applicants respectfully allowance of claims 10 and 11 again.

With regard to the rejection of claim 1 under 35 USC 103(a) as being unpatentable over AAPA (Applicant's Admitted Prior Art) in view of Chung (USP no. 6,895,185) and further in view of Jahr (USP no. 5,594,748), the Examiner states that the AAPA fails to disclose a local office instead of a splitter and Chung discloses a multi-purpose optical fiber network including a local office. Chung also discloses de-multiplexing upstream data service signals (see Figure 4). The Examiner acknowledges, however, that the combination of AAPA and Chung fails to disclose pumping optical source that outputs pumping optical signals from the pumping optical source and refers to Jahr for teaching a pumping source and combines the pumping optical signals with other source signals in order to amplify said sources signals (see figure 1).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has requested that claim 1 be cancelled. Accordingly, the reason for the rejection is no longer applicable and applicant respectfully requests that the rejection be withdrawn.

With regard to the rejection of claim 7 under 35 USC 103(a) as being unpatentable over AAPA (Applicant's Admitted Prior Art) in view of Chung (USP no. 6,895,185) and further in

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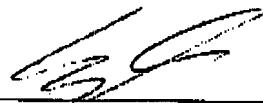
view of Jahr (USP no. 5,594,748) and further in view of Seytter (USP no. 6,594,287), applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has requested that claim 7 be cancelled. Accordingly, the reason for the rejection is no longer applicable and applicant respectfully requests that the rejection be withdrawn.

Claims 15-17 are new. No new matter has been added. Support for the claims may be found at least in cancelled claims 1, 4 and 7 respectfully.

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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